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# HOUSE BILL No. 1403

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-8.

**Synopsis:** Cosmetologists. Provides that a person who knowingly or intentionally practices cosmetology without a license commits a Class B misdemeanor. Increases penalties for multiple convictions of practicing cosmetology without a license.

**Effective:** July 1, 2003.

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## Smith V, Dobis

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January 14, 2003, read first time and referred to Committee on Commerce and Economic Development.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1403

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 25-8-3-24 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 24. The agency shall  
3 **provide** **employ a sufficient number of** inspectors, investigators, and  
4 clerks to enforce this article. The agency shall fix their compensation  
5 and reimburse them for their necessary expenses incurred in enforcing  
6 this article by payments from the state general fund under  
7 appropriations designated for that purpose.

8 SECTION 2. IC 25-8-14-5 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. **Except as provided**  
10 **in section 5.5 of this chapter**, a person who

11 (1) violates any provision of this article ~~or~~  
12 (2) ~~performs any act authorized by a license issued under this~~  
13 ~~article without possessing a valid license to do so;~~  
14 commits a Class C infraction.

15 SECTION 3. IC 25-8-14-5.5 IS ADDED TO THE INDIANA CODE  
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
17 1, 2003]: **Sec. 5.5. (a) A person who knowingly or intentionally**



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1 performs an act authorized by a license issued under this article  
2 without possessing a valid license issued under this article commits  
3 a Class B misdemeanor. However, the offense is a:

4 (1) Class A misdemeanor if the person has one (1) prior  
5 unrelated conviction; and

6 (2) Class D felony if the person has at least two (2) prior  
7 unrelated convictions;

8 under this section.

9 (b) Notwithstanding:

10 (1) IC 35-50-3-3, and in addition to the term of imprisonment  
11 established under IC 35-50-3-3, the sentencing court shall  
12 impose a fine of at least two hundred fifty dollars (\$250) and  
13 not more than one thousand dollars (\$1,000) for the  
14 conviction of a Class B misdemeanor under this section.  
15 Notwithstanding IC 35-50-3-1, the court may not suspend any  
16 part of the fine except the part of the fine exceeding two  
17 hundred fifty dollars (\$250).

18 (2) IC 35-50-3-2, and in addition to the term of imprisonment  
19 established under IC 35-50-3-2, the sentencing court shall  
20 impose a fine of at least five hundred dollars (\$500) and not  
21 more than five thousand dollars (\$5,000) for the conviction of  
22 a Class A misdemeanor under this section. Notwithstanding  
23 IC 35-50-3-1, the court may not suspend any part of the fine  
24 except the part of the fine exceeding five hundred dollars  
25 (\$500).

26 (3) IC 35-50-2-7(a), and in addition to the term of  
27 imprisonment established under IC 35-50-2-7(a), the  
28 sentencing court shall impose a fine of at least one thousand  
29 dollars (\$1,000) and not more than ten thousand dollars  
30 (\$10,000) for the conviction of a Class D felony under this  
31 section. Notwithstanding IC 35-50-2-2, the court may not  
32 suspend any part of the fine except the part of the fine  
33 exceeding one thousand dollars (\$1,000).

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